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April 8, 2005

Centers for Medicare & Medicaid Services
Department of Health and Human Services
Attention: CMS-3122-P
P.O. Box 8010
Baltimore, MD 21244-8010

Re: CMS-3122-P, Condition of Participation: Medical Staff (§ 482.22), Section 482.22(c)(5)

Ladies and Gentlemen:

The State of California Board of Podiatric Medicine applauds your moving forward with this revision to regulations to permit Doctors of Podiatric Medicine to perform history and physical examinations.

Our licensees are trained, tested, competent and accustomed to providing this service, which is an essential component to quality care and the licensed scope of practice. Our Department of Consumer Affairs Legal Office has opined since 1992 [<http://bpm.ca.gov/licensing/hp1992.pdf>] that it is malpractice for the DPM not to perform the history and physical examination as indicated. DPMs independently diagnose, prescribe and practice podiatric medicine and surgery and there should be no barrier to their performing complete medical history and physical examinations.

Current application of your existing regulations is disrupting the efficient delivery of quality care to podiatric medical patients in many California facilities. The final promulgation of your proposal is a matter of importance and urgency for patient care and consumer protection.

Thank you very much for taking this long-awaited, necessary step for modern and efficient health care delivery.

Sincerely,

James H. Rathlesberger, M.P.A.
Executive Officer
Board of Podiatric Medicine